

**APR 10 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

JINYU LIU,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 04-71886

Agency No. A76-868-546

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted April 5, 2006<sup>\*\*</sup>

Before: HAWKINS, McKEOWN, and PAEZ, Circuit Judges.

Jinyu Liu, a native and citizen of China, petitions for review of an order of the Board of Immigration Appeals (“BIA”) affirming an Immigration Judge’s (“IJ”) denial of his applications for asylum, withholding of removal, and relief

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

under the Convention Against Torture (“CAT”).

We lack jurisdiction to review the BIA’s determination that Liu is statutorily ineligible for asylum based on the one-year time bar. *See Ramadan v. Gonzales*, 427 F.3d 1218, 1221-22 (9th Cir. 2005).

We have jurisdiction pursuant to 8 U.S.C. § 1252 over Liu’s remaining claims.

Substantial evidence supports the BIA’s denial of withholding of removal because Liu’s anticipated punishment by the Chinese government would not be on account of a protected ground. *See Ochoa v. INS*, 254 F.3d 859, 865-66 (9th Cir. 2001).

Liu has waived any claim for protection under CAT by failing to raise any arguments in his opening brief challenging the BIA’s denial of this claim. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996).

Liu’s due process contention is belied by the record. Contrary to his contention, the record shows both that Liu argued his changed circumstances claim to the IJ, and that the IJ considered and rejected his claim.

**PETITION FOR REVIEW DISMISSED in part and DENIED in part.**